IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8722 of 2004

Between:

S.Umesh, S/o S.Venkatesham, R/o Begum Bazar, Hyderabad.

... PETITIONER

AND

1 The Sub Inspector of Police, P.S.Charminar, Hyderabad.
2 Urmila Devi, R/o H.No.1-9-129/23/C/121, Ramnagargundu, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or Order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondent No.1 against the respondent No.2 as arbitrarily illegal and making harassing the petitioner by obtaining signature on the blank paper and cheques and detaining in the Police Station and prevent the respondents to interfering acts of civil in nature

Counsel for the Petitioner: MR.M.T.GHORI

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

-

-

Petitioner submits that as he sustained loss in the business, he is due certain amounts to his friends and relatives and therefore, he filed I.P.No.84 of 2003 on the file of the Small Cause-cum-VI Senior Civil Judge against the creditors showing their due amount. In the said case, notices were issued to the creditors and they have filed their counters, which is still pending.

While the matter stood thus, the petitioner submits that, the Sub Inspector of Police, Charminar, is interfering with his life and liberty and harassing him to put signatures on the certain blank papers and cheques to favour the second respondent.

The respondents have denied all the allegations of the petitioner in the counter and further stated that the second respondent has filed a private complaint against the petitioner before the II Metropolitan Magistrate Court, Hyderabad, which was forwarded to the SHO, Police Station, Charminar, for investigation, with a direction to register a case. Accordingly, on receipt of the same, a case in Cr.No.225 of 2003 under Sections 420 & 419 IPC was registered against the petitioner on 10.09.2003. The respondents submit that they neither harassed the petitioner nor made an attempt to obtain his signatures on the blank papers

and cheques as alleged by the petitioner and he was never detained in the police station for the dues payable to the second respondent. As the petitioner is an accused in the above case investigation is continued as per the direction of the Court only and the petitioner has not filed any complaint against the second respondent as alleged by the petitioner.

In view of the aforesaid facts and circumstances of the case, no cause of action arises for filing this writ petition.

Accordingly, the writ petition is dismissed. No costs.

_____

V. ESWARAIAH, J

April 5, 2005

Dsk

To

1 The Sub Inspector of Police, P.S.Charminar, Hyderabad.

2 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.